



Ali Frick <africk@kllflaw.com>

Wood - Proposed amended complaint

Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>

Thu, Aug 26, 2021 at 1:16 PM

To: Ali Frick <africk@kllflaw.com>

Cc: "Weiss, Dara (Law)" <daweiss@law.nyc.gov>, Doug Lieb <dlieb@kllflaw.com>, "Goykadosh, Brachah (Law)" <bgoykado@law.nyc.gov>, "Robinson, Amy (LAW)" <arobinso@law.nyc.gov>

Ali,

Thanks for the explanation and reminding me of the conversation you had with Dara, whois out this week.

You have our consent.

Sent from my iPhone

On Aug 26, 2021, at 1:10 PM, Ali Frick <africk@kllflaw.com> wrote:

Elissa,

Doug explained this in his August 13 email:

I see your point, and we would be fine removing the paragraph naming Shea as a party, removing him from any causes of action, and changing all other references to "Defendant Shea" to "Commissioner Shea." (We would not remove any factual allegations pertaining to him because they are relevant to municipal liability.)

The factual allegations about She are clearly relevant to our claims for municipal liability. There is no reason to exclude all references to him just because he is no longer a party.

Substantively, the only changes we have made to the complaint are to (1) add the names of the officers who were John Does before, (2) add a brief description of Hernandez-Carpio's under-oath explanation of our client's arrest, and (3) remove Shea as a Defendant. Since I see no reason the City could possibly object to these changes, I assume your consent will be forthcoming.

Thanks,
Ali

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On Thu, Aug 26, 2021 at 12:57 PM Jacobs, Elissa (Law) <ejacobs@law.nyc.gov> wrote:
Counsel,

My understanding was that you were taking out all allegations about Shea, not just references to him as a defendant. There are still a number of them in there. For example, paragraphs 82-85 still contain allegations against him, as do paragraph 98 and 99-103. This is not an exhaustive list, but rather just a few examples. Please remove them, or explain why they have not been removed.

Elissa

From: Ali Frick [africk@kllf-law.com]
Sent: Thursday, August 26, 2021 10:30 AM
To: Weiss, Dara (Law)
Cc: Doug Lieb; Goykadosh, Brachah (Law); Jacobs, Elissa (Law); Robinson, Amy (LAW)
Subject: Re: [EXTERNAL] Wood - Proposed amended complaint

Hi all,
I wanted to follow up on this. Based on Dara's last email, I would expect you can give your consent. Please confirm.

Thanks,
Ali

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On Tue, Aug 24, 2021 at 2:15 PM Ali Frick <africk@kllf-law.com> wrote:

Counsel,
Attached please find our proposed amended complaint, deleting references to Shea as a defendant. Please confirm ASAP that you consent to the amendment.

Thanks,
Ali

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